

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

08 CV 3559

-----X
L & L PAINTING CO., INC.,

Plaintiff,

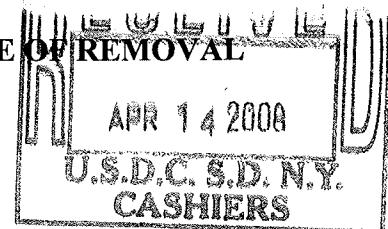
NY County Index #
105126/08

- against -

ODYSSEY CONTRACTING CORP.,

Defendant.
-----X

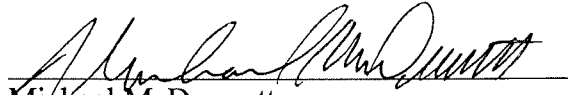
NOTICE OF REMOVAL



Defendant Odyssey Contracting Corp, by its attorneys, Georgoulis & Associates PLLC, hereby removes the above-referenced action to the United States District Court for the Southern District of New York. The grounds for removal are as follows:

1. Plaintiff L & L Painting Co., Inc. filed a Summons with Notice in the Supreme Court of the State of New York, New York County, on April 9, 2008. A copy of said Summons with Notice is annexed as Exhibit 1.
2. This is a diversity action between plaintiff, a New York corporation, and defendant, a Pennsylvania corporation.
3. Removal is proper pursuant to 28 U.S.C. § 1441(a).
4. There is currently pending in this Court an action between plaintiff and defendant concerning the same subject matter under Case # 08 Civ. 3491 entitled *Odyssey Contracting Corp. v. L & L Painting Company, Inc. and Federal Insurance Company*.
5. Less than thirty days have elapsed since defendant first received a copy of the Summons and Notice in this action.

DATED: New York, New York
April 14, 2008


Michael McDermott
GEORGOULIS & ASSOCIATES, PLLC
Attorneys for Defendant
45 Broadway, 14th Floor
New York, New York 10006
(212) 425-7854

TO: New York County Clerk

Thelen Reid Brown Raysman & Steiner LLP
Attorneys for Plaintiff
900 Third Avenue
New York, New York 10022
(212) 895-2000

Exhibit 1

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----X
L & L PAINTING CO., INC.,

Plaintiff,

-against-

ODYSSEY CONTRACTING CORP.,

Defendant.
-----X

Index No. 105126/2008

Date Purchased: 4/9/08

SUMMONS WITH NOTICE

To The Above Named Defendant:

YOU ARE HEREBY SUMMONED to appear in this action and are required to serve a notice of appearance and/or a demand for the complaint on plaintiff's attorney within twenty days after the service of this summons, exclusive of the day of service, if this summons is personally delivered to you within the State of New York, or within thirty days after service is complete, if this summons is not personally delivered to you within the State of New York. Your time to appear may be extended as provided in subdivision (b) of CPLR 3012.

TAKE NOTICE THAT this action seeks damages for breach of contract arising from a public improvement project known as the Repainting of the Queensboro Bridge, Boroughs of Manhattan and Queens, New York City Department Of Transportation Contract No. BRC231P (the "Project"), the said breach consisting, among other things, of defendant-subcontractor's wrongful termination and/or abandonment of work at the Project and breach and repudiation of its subcontract with plaintiff-contractor on or about April 1, 2008, as well as breaches by defendant of its subcontract other than the termination on or about April 1, 2008 as stated above.

NYN #707849 v2

NEW YORK
COUNTY CLERK'S OFFICE
APR 14 2008
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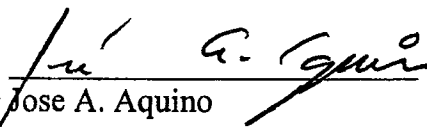
The relief sought is a judgment in favor of plaintiff in an amount not yet determined and to be determined at trial, but presently estimated as not less than \$3,000,000.00, together with interest and all other just and proper relief including without limit the costs and fees of the action.

Plaintiff designates New York County as the place of trial. The basis of the venue designated is contractual; defendant's residence.

Dated: New York, New York
April 9, 2008

THELEN REID BROWN
RAYSMAN & STEINER LLP
Attorneys for Plaintiff
L & L Painting Co., Inc.

By:


Jose A. Aquino

900 Third Avenue
New York, New York 10022
(212) 895-2000

DEFENDANT'S ADDRESS:

ODYSSEY CONTRACTING CORP.
C/O C T Corporation System
1633 Broadway
New York, New York 10019

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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L & L PAINTING CO., INC.,

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Index # 105126/08

***AFFIDAVIT OF
SERVICE***

I, the undersigned, being sworn, say: I am not a party to the action, am over 18 years of age and reside in Astoria, New York. On April 14, 2008 I served the within *NOTICE OF REMOVAL*, by mailing a copy to each of the following persons by First Class Mail at the last known address set forth after each name.

TO: Thelen Reid Brown Raysman & Steiner LLP
900 Third Avenue
New York, NY 10022


ANASTASIA GEORGOULIS

Sworn to before me this
14th Day of April, 2008.


NOTARY PUBLIC

GEORGE SITARAS
Notary Public, State of New York
No. 02516147110
Qualified in Suffolk County
Commission Expires May 30, 2010

SOUTHERN DISTRICT OF NEW YORK

Index No.: 105126/08

L & L PAINTING CO., INC.,

Plaintiff,

- against -

ODYSSEY CONTRACTING CORP.,

Defendant.

NOTICE OF REMOVAL

GEORGOULIS & ASSOCIATES, PLLC45 Broadway, 14th Floor
New York, New York 10006
(212) 425-7854
Fax (212) 422-5360

To

Attorney(s) for

Service of a copy of the within
is hereby admitted

Dated,

Attorney(s) for

NOTICE OF ENTRYthat the within is a (certified) true copy of a
duly entered in the office of the clerk of the within named Court on

20

NOTICE OF SETTLEMENT

that an order

of which the within is a true copy will be presented for settlement to the HON.
one of the judges of the within named Court, at
on the day of 20 at M.

Dated,

Yours, etc.,

GEORGOULIS & ASSOCIATES, PLLC
Attorneys for Plaintiff
45 Broadway, 14th Floor
New York, New York 10006

To Attorney(s) for